

## REMARKS

In response to the above-identified Office Action, Applicant amends the application and seeks reconsideration thereof. In this response, no claims have been added, no claims have been cancelled and no claims have been amended. Accordingly, Claims 1-11 are pending.

### **A. Claims Rejected Under 35 U.S.C. §102(b)**

The Examiner has rejected claims 1, 2, 5, 6, 8, and 9 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,343,522 Yatrou et al. (Yatrou). Applicant respectfully traverses these rejections.

The Examiner holds Yatrou discloses Applicant's claim 1 at column 3, line 12 through column 4, line 57. A claim is anticipated only if each and every element of the claim is disclosed by the reference. Yatrou discloses the selection of active regions within the echo impulse response, but lacks Applicant's *means for eliminating*, after a predetermined training period, all echo cancellors that produce a cancellation signal below a predetermined threshold. Applicant has closely reviewed the cited section of Yatrou and have been unable to discern any relevant teaching in this regard. Hence, Yatrou does not disclose all elements of Applicant's claim 1, and therefore the Examiner is respectfully requested to withdraw this rejection for at least this reason. In the event the Examiner maintains this rejection, it is respectfully requested that the Examiner specifically identify what in Yatrou corresponds to this element of Applicant's claim.

Since dependent claims contain all the limitations of their parent claim, the Examiner is requested to withdraw the rejection to dependent claim 2 for at least the reasons pertaining to independent claim 1.

Independent claims 5 and 8 contain similar limitations of claim 1, and the Examiner is respectfully requested to withdraw these rejections for at least the reasons pertaining to claim 1.

Dependent claims 6 and 9 contain the limitations of their respective parent independent claims, and the Examiner is respectfully requested to withdraw these rejections as well.

**B. Claims Rejected Under 35 U.S.C. §103(a)**

The Examiner has rejected claims 3, 4, 7, and 10 under 35 U.S.C. 103(a) as being unpatentable over Yatrou in view of well known prior art. Applicant respectfully submits claims 3, 4, 7, and 10 include limitations that are not disclosed or suggested by the cited references, individually or in combination.

Regarding claim 3, the Examiner agrees Yatrou fails to disclose Applicant's non-overlapping bandwidths are each approximately 16 milliseconds apart, and applies MPEP 2144.03 that it was well known in the art to provide such a limitation. Notwithstanding this assertion with which Applicant disagrees, as argued above, Yatrou fails to disclose all elements of Applicant's invention. Therefore, combining Yatrou with what was well known in the art would not cure the deficiencies in Yatrou. Further, the Applicant respectfully requests that the Examiner provide evidence demonstrating that the alleged facts are capable of instant and unquestionable demonstration as being well known in the art. Hence, the Examiner is respectfully requested to withdraw this rejection for at least these reasons.

Regarding claim 4, the Examiner agrees Yatrou fails to disclose Applicant's graphical user interface for allowing a user to alter the predetermined threshold, and again applies MPEP 2144.03 that it was well known in the art to provide such a limitation. Notwithstanding this assertion with which Applicant disagrees, as argued above, Yatrou fails to disclose all elements of Applicant's invention. Therefore, combining Yatrou with what was well known in the art would not cure the deficiencies in Yatrou. Further, the Applicant respectfully requests that the Examiner provide evidence demonstrating that the alleged facts are capable of instant and unquestionable

demonstration as being well known in the art. Hence, the Examiner is respectfully requested to withdraw this rejection for at least these reasons.

Claims 7 and 10 contain similar limitations with claims 3 and 4, respectively. The Examiner is respectfully requested to remove these rejections for at least the reasons discussed above as well.

### CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely claims 1-11, patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207-3800.

Dated: August 22, 2005

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

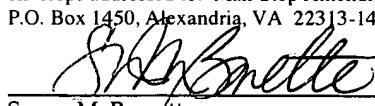


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#### CERTIFICATE OF MAILING:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 22, 2005.



Susan M. Barrette

August 22, 2005